

REMARKS

The Examiner has indicated that the illustrations of the present application reveal 25 different species of invention, and has required that the applicant elect to prosecute one of these species. The Examiner has also required that the applicant indicate the claims reading on the elected species. The Examiner has indicated that claims 1, 17, 2 – 23 and 29 – 31 are presently generic.

As a preliminary matter, it appears that there may be a typographical error in the Examiner's action, with regard to the assertion that claims "2 – 23" are generic. This seems inconsistent with the indication that claims 1 and 17 are generic. The applicant respectfully requests clarification. For purposes of response, the applicant is understanding the Examiner's statement as meaning that claims 1, 17, 20-23 and 29-31 are generic.

The applicant respectfully traverses the Examiner's requirement for election of species, and specifically traverses the Examiner's contention that there are as many as the extraordinarily large number of 25 species identified in the application.


Under 37 CFR 1.146 the Examiner is permitted to require restriction of the claims to not more than "a reasonable number" of species. Clearly, by any reasonable interpretation the words "a reasonable number" must include some number other than "one". That is, a reasonable number must include at least two, if not some larger number of species. In the present instance, it appears that all of claims 1 to 31 read on one or the other of two species, namely the first and seventh species identified by the Examiner. Inasmuch as "two" is "a reasonable number", and clearly two is "not more than a reasonable number", the applicant submits that it is appropriate, and consistent with the Examiner's duties under 37 CFR 1.146 for all of the claims presently pending in this case to be examined.

Because the applicant is required to nominate a species for prosecution notwithstanding the foregoing traverse, **the applicant provisionally elects the seventh species identified by the Examiner, namely that which the Examiner indicates is illustrated in Figures 2g, 3e, 5a – 5e, 6a – 6e.** The applicant believes that claims 1 – 8, 11 – 20 and 22 – 30 read on this species.

The Examiner is reminded that if one of the generic claims is determined to be allowable, then all properly dependent claims are also allowable. Of the elected claims, and based on the understanding of what appears to be the typographical error in the Office Action, Claims 1, 17, 20, 22, 23 and 30 are considered generic by the Examiner.

The applicant has also noted informalities in certain of the claims as filed and has offered a voluntary amendment to correct those informalities. These amendments are not made to distinguish any prior art and are a matter of form only.

Respectfully submitted,



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